

Abstract:

The area known as the Ilemi Triangle lies north of the equator between latitude (deg min) 5 00N and longitude 35 30E. Its size has varied from 4000 square kilometers to 10,000 square kilometers depending on which boundary line is used. The area is descriptively called a "triangle" owing to the boundaries of Sudan, Kenya and Ethiopia, which converge to create a trifunctional point. These boundaries were established during colonial times in an unsatisfactory manner that left a legacy of uncertainty on the delimitation and demarcation process. The fact is clearly seen on the Kenya-Sudan Boundary whereby at least three boundary lines have, over the years, been argued at various times, to be the correct boundary between the two countries. This study recognizes the issues related to the unresolved boundary but however notes that while the Ilemi Triangle is said to be part of Sudan's territory the Kenya Government has been administering the Ilemi since the pre-independence era of both countries. The study will address Kenya's continued existence of the Ilemi triangle, whether this existence is sovereign in nature and if a territorial claim of this geographical location can be justifiable in international law. It will utilize Hart's theory of Law as a System of Rules as the magnifying glass, backed by the international law doctrine of territorial sovereignty and landmark judicial decisions of international tribunals on the subject of territorial sovereignty. Conclusions; will be drawn from arguments made and recommendations have been suggested on the way forward.